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FOR: Examiner Katherine W. Mitchell

COMPANY: USPTO

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FROM: Mark A. Frentrop

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COMMENTS:

Application No.: 10/829,101

Filing Date: April 21, 2004

Applicant: William J. Lutkus

Group Art Unit: 3677

Examiner: Katherine W. Mitchell

Title: CHROMATE FREE FLUOROPOLYMER COATED FASTENER INSERTS

Attorney Docket: 0275G-000915

Attached is a Communication and Declaration of Inventor for William J. Lutkus.

I certify this correspondence is being facsimile transmitted to 571-273-7069 on August 7, 2006.

Mark A. Frentrop, Reg. No. 41,028

August 7, 2006

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/829,101
Filing Date: April 21, 2004
Applicant: William J. Lutkus
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Title: CHROMATE FREE FLUOROPOLYMER COATED
FASTENER INSERTS
Attorney Docket: 0275G-000915

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Communication

Sir:

Further to the Request for Continued Examination (RCE) and to the Amendment filed June 22, 2006, Applicants respectfully request consideration of the following comments on the attached Declaration by Inventor, William J. Lutkus.

Remarks begin on page 2 of this paper.

REMARKS

On June 22, Applicants filed an RCE in response to a Final Rejection. In a Preliminary Amendment accompanying the RCE, Applicants expanded on their arguments for patentability of the claims and offered new claims further distinguishing the invention.

Following the courtesy of a telephonic interview granted by the Examiner, Applicants wish to have the following comments considered before a first Office Action.

TELEPHONIC INTERVIEW WITH EXAMINER MITCHELL

Applicants thank the Examiner for the multiple courtesies extended to Applicants' representative during a telephonic interview on August 3, 2006. The current rejection of the claims as obvious over the Lutkus reference in view of the web page was discussed. The holding of *Ex parte Obiaya* was discussed, along with Applicants' position that the invention of a whole would not have been obvious because of the unexpected benefits observed. No agreement was reached, but the Examiner did offer to consider an Inventor's Declaration that further supports Applicants' position on patentability.

DECLARATION BY INVENTOR WILLIAM J. LUTKUS

The attached Declaration under 37 CFR § 1.132 by inventor William J. Lutkus addresses the unexpected benefits obtained by means of the invention. Applicants have mentioned the advantages in previous prosecution. As well, the advantages are described in the specification, for example, in paragraphs 1, 6, and 29. Applicants offer the following comments on the Declaration.

Mr. Lutkus explains the technical background on tangless vs. tanged inserts and describes the prevailing torque test commonly used in the field to measure performances of such inserts. Mr. Lutkus explains how, according to the specification, earlier inserts with

a chromate containing coating led to an observation that some of the inserts moved during use. Mr. Lutkus also discusses the importance of subtle differences in performance and how the compositions of the current invention overcome some of the slight disadvantages observed in the prior art, especially in the area of tangless inserts.

Applicants respectfully request the Examiner to consider the evidence of unexpected results commensurate in scope with the current claims and remove the obviousness rejection in light thereof.

CONCLUSION

For the reasons discussed above and the reasons described in the Preliminary Amendment of June 22, Applicants believe the claims are patentable over the cited art of record. Further and favorable action is urgently solicited. The Examiner is invited to telephone the undersigned if that would be helpful in resolving any issues.

Respectfully submitted,

Dated: Aug 7, 2006

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